



1 In accordance with Civil Local Rule 7-3(d)(2), Defendant Ben & Jerry's Homemade, Inc.  
2 ("Defendant") respectfully notifies the Court and counsel of the recent decision in *Mason v. The*  
3 *Coca-Cola Company*, No. 1:09-cv-00220 (NLH) (JS) (D.N.J. Mar. 31, 2011), attached hereto as  
4 Attachment A.

5 The discussion by the *Mason* court at (i) page 9 and (ii) page 12 n.4 are germane to  
6 Defendant's pending motion to dismiss the amended complaint (Dkt. 24) and relate to  
7 Defendant's arguments that Plaintiff has no cognizable injury (pages 10-12), Plaintiff has not  
8 alleged the elements of injury or deception with sufficient particularity (pages 12-13), and  
9 Plaintiff has no claim for common law fraud (pages 16-17).

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11 || Dated: April 1, 2011

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JANELLE J. SAHOURIA  
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STATEMENT OF RECENT DECISION IN SUPPORT OF BEN & JERRY'S MOTION TO DISMISS AMENDED COMPLAINT  
CASE NO. CV10-4387-PJH  
sf-2977277